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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 Darrel C. Olds,

7 Petitioner,

8 v.

9 Jeff Uttecht,

10 Respondent.

CASE NO. C11-5046BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

11 This matter comes before the Court on the Report and Recommendation ("R&R")  
12 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 31. The Court  
13 having considered the R&R and the remaining record, and no objections having been  
14 filed, does hereby find and order as follows:

- 15 (1) The R&R is **ADOPTED**;
- 16 (2) This action is **DISMISSED** with **PREJUDICE**.
- 17 (3) A certificate of appealability is denied.

18 Dated this 13<sup>th</sup> day of September, 2011.

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21 BENJAMIN H. SETTLE  
22 United States District Judge